

REMARKS

Status of the Claims

The Office Action mailed July 21, 2009 noted that claims 1, 4, 8-9, 13, 17-19, 21-22, 26 and 32 were pending and rejected all claims. Claims 1, 8, 9, 13, 17-19, 26 and 32 are amended. Claim 21 is cancelled. New claim 33 is added. No new matter is believed to be presented.

It is respectfully submitted that claims 1, 4, 8-9, 13, 17-19, 22, 26, 32 and 33 are pending and under consideration.

Rejection under 35 U.S.C. § 112

The Office Action, on page 2, rejected claim 25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. However, claim 25 was previously cancelled.

The rejection also appeared to reject claims 1, 8, 17-19, 26, and 32. Claims 1, 8, 17-19 and 26 are amended to clarify distinctive features and withdrawal of the rejection is respectfully requested. Claim 32 recites differently than claim 1 and as currently recited it is believed that claim 32 does particularly point out and distinctly claim subject matter. For instance, a wait time is added responsive to a size of the payment amount.

Withdrawal of the rejection is respectfully requested. If any issues remain, it is requested that the Examiner telephone the undersigned.

Rejection under 35 U.S.C. § 103

The Office Action, on page 3, rejected claims 1, 4, 8-9, 13, 17-19, 21-22, 26 and 32 under 35 U.S.C. § 103(a) as being unpatentable over newly cited O'Leary and Wheeler. This rejection is respectfully traversed below.

O'Leary discusses systems and methods in which a payor pushes electronic credits to a payee using an Electronic Funds Transfer system. Further, O'Leary discusses a method allowing users to shop on the Internet, pay bills, and pay anyone anywhere without having to share account number information with the payee. Additionally, PPP enhanced wallet software serves as a portal to store credit card numbers, debit card numbers, shipping addresses, etc. The PPP enhanced wallet supports virtual cash payments upon receipt of an electronic purchase message from a merchant website. The user can approve the purchase, initiate a payment through authorization to the user's bank, verify accuracy of merchant information,

payment through authorization to the user's bank, verify accuracy of merchant information, generation a purchase confirmation, and generate a receipt. (See O'Leary, column 1, lines 15-20, column 4, lines 43-47, column 9, line 62- column 10, line 30).

Nothing cited or found in O'Leary discusses "a payment accepting step wherein payment application for electronic money to said electronic money card in which a payment money amount is specified by the user on said terminal apparatus and a payment date/time is set in a manner such that, **whenever said payment money amount exceeds a predetermined stepwise limit line, a time lag between said payment application date/time and a payment execution date/time is increased by said terminal apparatus and is received from said terminal apparatus via the Internet,**" recited for example, in claim 1. (Emphasis Supplied) O'Leary is entirely silent regarding the above distinctive features. In other words, when a payment money amount exceeds a particular amount, a time lag is increased before payment of the electronic money to the electronic money card occurs. The Office Action asserted that O'Leary discussed the above features, but nothing in O'Leary discusses incorporation of a time lag based on payment money amount.

The Office Action did not cite Wheeler as discussing the above features, and nothing cited or found in Wheeler cures the deficiencies of O'Leary, discussed above. Wheeler merely discusses an unrelated method of authorization of paying bills to various payees using a cell phone which is authorized on behalf of an account holder using a PIN and an electronic signature. (See Wheeler, Abstract and paragraph [0205]). Thus, Wheeler is also silent regarding "**whenever said payment money amount exceeds a predetermined stepwise limit line, a time lag between said payment application date/time and a payment execution date/time is increased by said terminal apparatus.**"

The Office Action further admitted that O'Leary failed to explicitly teach a payment executing step wherein when said payment date/time comes, a telephone call is made to said electronic money card, via said money phone network establishment of a telephone talk confirmation is confirmed, and payment of the electronic money is executed." Claim 1 is amended to clarify its distinctive features which were admitted not to be discussed by O'Leary, "a payment executing step wherein when said payment date/time comes, a telephone call is made to said electronic money card via said mobile phone network, and when an incoming response is obtained, payment of the electronic money is executed to said electronic money card." The Office Action asserted that the Abstract and paragraphs [0205], [0211], and [0217] of Wheeler cured the deficiencies of O'Leary. However, as noted above Wheeler merely discusses

authorizing payment of a bill via a cell phone by depressing keys and entering a PIN and does not discuss "when an incoming response is obtained, payment of the electronic money is executed to said electronic money card," recited in claim 1.

Thus, claim 1 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination.

Claim 8 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "a payment executing step wherein a predetermined stepwise limit line which said accepted payment money amount exceeded is determined at a payment accepting unit provided in said bank server and a payment date/time is set in a manner such that as said determined limit line is higher, a time lag between a payment application date/time at which said payment application has been received and said payment execution date/time is increased" and "when an incoming response is obtained, payment of the electronic money is executed to said electronic money card."

Claim 17 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "whenever said payment money amount exceeds a predetermined stepwise limit line, a time lag between said payment application date/time and a payment execution date/time is increased by said bank server and is received from said terminal apparatus via the Internet" and "when an incoming response is obtained, payment of the electronic money is executed to said electronic money card."

Claim 18 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "a payment executing step wherein a predetermined stepwise limit line which said accepted payment money amount exceeded is determined at a payment accepting unit provided in said bank server and a payment date/time is set in a manner such that as said determined limit line is higher, a time lag between a payment application date/time at which said payment application has been received and said payment execution date/time is increased" and "when an incoming response is obtained, payment of the electronic money is executed to said electronic money card."

Claim 19 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "whenever said payment money amount exceeds a predetermined stepwise limit line, a time lag between a payment application date/time at which said payment application has been received and said payment execution date/time is increased by said terminal apparatus" and "when an incoming response is obtained, the bank server executes payment of the electronic money to said electronic money card."

Claim 26 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "whenever said payment money amount exceeds a predetermined stepwise limit line, a time lag between a payment application date/time at which said payment application has been received and said payment execution date/time is increased by said terminal apparatus" and "when an incoming response is obtained, the bank server executes payment of the electronic money to said electronic money card."

Claim 32 patentably distinguishes over O'Leary and Wheeler, taken alone and in combination, because nothing cited or found discusses at least "analyzing the amount and adding a wait time responsive to a size of the amount" and "initiating a telephone call after the wait time has elapsed and requiring connection of the telephone call to the card device to execute the payment."

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 22 recites "said user authentication information includes a name, an address, and a personal identification number inputted by the user in addition to the account number and the telephone number obtained from said electronic money card." The cited portions of O'Leary referenced on page 10 of the Office Action do not discuss the above features in claim 22 and having said user authentication information obtained from said electronic money card. It is submitted that the dependent claims are independently patentable over the cited references.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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